

Exhibit D

Michael Thomas Margolis, M.D.

1 IN THE DISTRICT COURT
2 95th JUDICIAL DISTRICT
3 DALLAS COUNTY, TEXAS
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6 LINDA BATISTE,

7 Plaintiff,

8 -vs-

No. DC-12-14350

9 JOHN ROBERT McNABB, M.D.,

JOHNSON & JOHNSON, and

10 ETHICON, INC.,

11 Defendants.

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15 DEPOSITION OF MICHAEL THOMAS MARGOLIS, M.D.

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18 DATE: November 26, 3013

19 TIME: 9:08 a.m.

20 LOCATION: Pulone Reporting Services, Inc.

1550 The Alameda

21 Suite 150

San Jose, California 95126

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REPORTED BY: Diane S. Martin, CSR 6464, CCRR

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1 polypropylene I think too many times.

2 BY MR. BROWN:

3 Q. Doctor, do you know if an antioxidant blend
4 that is incorporated in the polypropylene may prevent
5 degradation?

6 A. No.

7 Q. You don't know; is that correct?

8 A. I don't know that it does.

9 Q. Are you saying that it does not, or that you
10 don't know if it does?

11 A. I do not know if it does.

12 Q. Doctor, can you identify any studies that
13 degradation with the TVT has any clinical significance
14 if degradation exists?

15 A. There are internal documents that I've
16 reviewed, and there are the clinical correlates to what
17 has been described in the internal documents of mesh as
18 it has protruded through the vagina after having been
19 broken down. But I don't know of any studies.

20 Q. Let me ask you this, Doctor: Is it your
21 opinion that the TVT mesh degrades?

22 A. Yes.

23 Q. Is it your opinion that degradation that you
24 believe occurs with the TVT has clinical significance?

25 A. Yes.

1 Q. And what is that clinical significance,
2 Doctor?

3 A. It breaks down. It is found eroded through
4 the vaginal wall at various locations. It causes --
5 its breakdown causes an increase in the chronic foreign
6 body reaction that is seen in pristine mesh. And I do
7 have concerns that it might be found in other parts of
8 the body as a result of the breakdown.

9 Q. Doctor, have you seen any clinical data that
10 the potentially degraded mesh is found in other parts
11 of the body?

12 A. Other than the eroded -- or, rather, the
13 eroded mesh particles seen -- mesh fragments, that is,
14 seen, which is commonly reported in the literature, no.

15 Q. Are you talking about the mesh that degrades
16 into the vagina, is that what you're talking about,
17 Doctor?

18 A. Correct.

19 Q. Are you aware of any mesh degradation
20 particles that are found in other places besides the
21 vaginal canal?

22 A. No.

23 Q. Doctor, can you identify any literature that
24 the degradation of polypropylene -- restate that.

25 Doctor, do you have any clinical literature

1 that you can point to that degraded polypropylene mesh
2 increases the inflammatory response?

3 A. No.

4 Q. Doctor, I believe you stated that you read
5 Ms. Batiste's deposition transcript; is that right?

6 A. Yes.

7 Q. And you're aware that Ms. Batiste was not
8 provided a patient brochure; is that correct?

9 A. Correct.

10 Q. And you're aware from Ms. Batiste's testimony
11 that she was not provided any marketing materials from
12 Ethicon; is that correct?

13 A. I believe that's accurate.

14 Q. You have no independent knowledge -- let me
15 restate that question.

16 Doctor, you will not be opining that
17 Ms. Batiste saw a patient brochure from Ethicon; is
18 that correct?

19 A. Correct.

20 Q. Do you believe that the purpose of a patient
21 brochure is to facilitate a conversation with a patient
22 and the physician?

23 A. Well, among other things. I mean, I think the
24 patient brochure should provide accurate information to
25 the patient so the patient can do her research and due

1 REPORTER'S CERTIFICATE

2 The undersigned Certified Shorthand Reporter
3 licensed in the State of California does hereby certify:

4 I am authorized to administer oaths or
5 affirmations pursuant to Code of Civil Procedure, Section
6 2093(b), and prior to being examined, the witness was duly
7 administered an oath by me.

8 I am not a relative or employee or attorney or
9 counsel of any of the parties, nor am I a relative or
10 employee of such attorney or counsel, nor am I financially
11 interested in the outcome of this action.

12 I am the deposition officer who stenographically
13 recorded the testimony in the foregoing deposition, and the
14 foregoing transcript is a true record of the testimony
15 given by the witness.

16 Before completion of the deposition, review of the
17 transcript [X] was [] was not requested. If requested,
18 any changes made by the deponent (and provided to the
19 reporter) during the period allowed are appended hereto.

20 In witness whereof, I have subscribed my name this
21 ____ day of _____, 2013.

22

23 _____
DIANE S. MARTIN, CSR No. 6464

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